



Bill Summary

THE SURGEON GENERAL INDEPENDENCE ACT

Rep. Henry A. Waxman

Chairman, Committee on Oversight and Government Reform

The Surgeon General is the “doctor to the nation” — a trusted figure who brings the best available science on matters of public health directly to the American people. The position is unique among government agencies, not only in the United States, but among health agencies worldwide. Over the years, Surgeons General have produced landmark reports and calls to action on topics ranging from smoking and second-hand smoke to AIDS prevention, obesity, and mental health. Their work has greatly informed our nation’s understanding of public health.

At a recent hearing of the House Oversight and Government Reform Committee, three former Surgeons General who served in the Reagan, Clinton and current Bush Administrations testified that their professional independence was compromised by political interference. A Surgeon General’s greatest asset — his or her ability to speak honestly and credibly to the nation about public health science — must be preserved.

The bill contains 5 provisions to protect the Surgeon General from political interference:

- **Appointment** — As under current law, the Surgeon General will be appointed by the President, subject to confirmation by the Senate. The bill would limit any individual to a maximum of three, four-year terms. In the event of a vacancy, the bill would require the Public Health Service to submit to the Secretary of HHS a list of six names for consideration. At least three of these would have to be PHS Commissioned Corps officers of flag rank. The Secretary would forward this list, with his or her recommendations, to the President and the Committees of jurisdiction in the Senate and House of Representatives.
- **Removal** — The bill provides that a Surgeon General can only be removed for cause.
- **Line of Authority** — The Surgeon General would report directly to the Secretary, rather than to the Assistant Secretary for Health.
- **Budget Authority** — The bill would require the Surgeon General to submit an annual budget to the President and directly to the Congress.
- **Reports and Calls to Action** — As under current law, the Surgeon General would have authority to address any topic of importance to Americans’ health. In addition, the bill would require the Surgeon General to compile and release an annual report on the state of the Nation’s health. The bill clarifies that the Surgeon General’s work must be guided by the best available public health science. Only the Secretary of HHS would have the authority to block publication of a proposed Surgeon General’s Report or Call to Action. In this case, the Secretary would be required to notify Congress within ten days of the decision.